

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

JOSEPH BREITFELDER

Plaintiff

v.

SIMON LEIS, et al.

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CASE C-1-01-617

JUDGE BECKWITH

**PLAINTIFF'S MOTION TO  
FILE A SURREPLY TO  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

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Now comes Plaintiff Joseph Brietfelder, by and through counsel and moves this Honorable Court for leave to file a surreply for the reason that the record should accurately reflect the circumstances of the Sheriff's offer of "accommodation" to Plaintiff. Therefore, Plaintiff respectfully requests this Honorable Court to grant his Motion for Leave to File a surreply.

Respectfully submitted,

/s/ Lucian Bernard  
Lucian Bernard (0047159)  
Counsel for Plaintiff

Pearson & Bernard, PSC  
1224 Highway Avenue  
Covington, KY 41011  
(859) 655-3700  
(859) 655-3703 (fax)

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served upon, Stephen Shaw and Susan Gertz, counsel for Defendants Leis and Hamilton County at 230 Ninth St., Suite 4000, Cincinnati, OH 45202-2151, this 12<sup>th</sup> day of January, 2004.

/s/ Lucian Bernard

